

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LAURENCE JOSEPH MCDONALD,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security

Defendant.

CASE NO. 1:16-CV-217

OPINION & ORDER
[Resolving Doc. [1-1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On November 15, 2012, Plaintiff Laurence Joseph McDonald applied for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act.¹ After his application was denied, McDonald requested that an Administrative Law Judge (ALJ) evaluate his application.²

On March 16, 2015, the ALJ determined that Plaintiff McDonald was not disabled within the meanings of the Social Security Act.³ The Appeals Council denied McDonald's request for review.⁴

On January 29, 2016, Plaintiff McDonald filed this complaint for wrongful denial of disability benefits.⁵ Consistent with Local Rule 72.2, the Court referred the matter to Magistrate Judge George J. Limbert. On December 20, 2016, Magistrate Judge Limbert issued a Report and Recommendation, finding the ALJ's determination was not supported by substantial evidence.⁶

¹ Doc. [9](#) at 198-204.

² *Id.* at 156-57.

³ *Id.* at 14-24.

⁴ *Id.* at 1-6.

⁵ Doc. [1-1](#). Although Plaintiff's suit was originally filed in the Southern District of Ohio, Magistrate Judge King transferred the case to this District on January 29, 2016. Doc. [2](#).

⁶ Doc. [15](#) at 26.

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Specifically, the ALJ failed to set forth “good reasons” for discounting the opinions of McDonald’s treating physicians.⁷ Magistrate Limbert recommended that this Court vacate the Commissioner’s denial of disability benefits and remand the case back to the ALJ for further proceedings.⁸

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.⁹ On January 3, 2017, the Social Security Commissioner filed notice that the Social Security Commissioner would not object to Magistrate Judge Limbert’s report and recommendation.¹⁰

Absent objection, a district court may adopt the magistrate judge’s report without review.¹¹ Moreover, having conducted its own review of the parties’ briefs in this case, the Court agrees with the conclusions of Magistrate Judge Limbert.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Limbert’s findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **VACATES** the Commissioner’s denial of benefits and **REMANDS** this case to the Administrative Law Judge for further proceedings.

IT IS SO ORDERED.

Dated: January 11, 2017

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ *Id.* at 22-26.

⁸ *Id.* at 27-28.

⁹ 28 U.S.C. § 636(b)(1)(C).

¹⁰ Doc. 16.

¹¹ *Thomas v. Arn*, 474 U.S. 140, 149 (1985).